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10/822,213	04/09/2004	Gregory A. Piccionelli	39003.814US01	1327

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EXAMINER
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HADIZONOOZ, BANAFSHEH

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3715

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/822,213  
Filing Date: April 09, 2004  
Appellant(s): PICCIONELLI ET AL.

Gregory A. Piccionelli  
Michael M. Gerardi

For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on 07/16/2010 appealing from the Office action mailed on 01/14/2010.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief. The brief identifies Gregory A. Piccionelli and Michael M. Gerardi as the real parties of interest.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:  
Claims 44, 45, 50, 62, 64-66, 69, 72-81 are pending and are rejected. Claims 1-43, 46-49, 51-60, 63, 68, 71 are cancelled.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being

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maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

#### **(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

#### **(8) Evidence Relied Upon**

Rachman et al	US 2002/0182578	Jun 1, 2001
Jenkins et al.	US 6,585,519	Jul 11, 2001

Billy Madison. Dir. Tamara Davis. Perf. Adam Sandler. Prod. Happy Madison. 10 February 1995

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 44, 45, 50, 62, 64-66, 69, 72-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rachman et al (US 2002/0182578) in view of Jenkins et al. (US 6,585,519) further in view of "Billy Madison" as supported by "Billy Madison" [http://en.wikipedia.org/wiki/Billy\\_Madison](http://en.wikipedia.org/wiki/Billy_Madison) .**

Regarding claims 44, 45, 64, 62, 65 and 72-81, Rachman discloses a system comprising the steps of opening an educational application that includes a plurality of questions pertaining to a subject (e.g. course), answering at least one question (e.g. test) included in the application, providing a link to the user to retrieve additional

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material (See Abstract and Fig.4B) and receiving a notification from the central site after the answer is provided (See Fig. 4B and 4C). Rachman does not expressly disclose viewing a model removing an article of clothing when the question is answered correctly. However, Jenkins discloses a motivational method for computer-assisted training system wherein periodic reward animations are presented to the user in such a way that the curiosity of the user to see the rest of the animation further motivates correct response (See Abstract). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Jenkins into the system and method of Rachman in order to design a system and method that encourages users to further input correct responses. Rachman/Jenkins do not specifically disclose a human model removing an article of clothing as a reward system. However, such a motivational method is well known in the art. The teacher and the bus driver in Billy Madison, the movie, motivate Billy by removing a portion of their clothes for motivating Billy to correctly respond to questions. Therefore, it would have been obvious to modify the system of Rachman/Jenkins to a human model as disclosed by Billy Madison in order to persuade the participants to enter a correct response.

Regarding claim 50, Rachman discloses accessing the central site (e.g. course support system) via a network, opening the educational application on a storage medium (e.g. database) provided by the user (See Fig. 1), opening the educational application that comprises a plurality of questions (See Fig. 4B) and receiving the notification from the system when the answer provided is correct (See fig. 4B).

Regarding claim 70, Rachman does not disclose that the storage medium is CD-Rom. However, the use of CD-ROMs as a storage medium is well-known in the industry.

Claim 66 discloses means to steps provided in claim 1.

Claim 69 discloses means to perform the steps disclosed in claim 44.

### **(10) Response to Argument**

Appellant argues that the combined teachings of Rachman, Jenkins and "Billy Madison" do not disclose or suggest methods of studying a subject or computer readable media as presently claimed. Furthermore, the appellant argues that the combination of the cited references do not suggest the step of introducing a human model to remove an article of clothing when a correct answer is provided. Examiner respectfully disagrees. Examiner notes that Rachman discloses an online educational support system and method, wherein students are able to review study materials that are provided online, complete homework assignments and take tests. The system automatically conveys the results to the instructor. Students are further provided with links that can provide them with additional material (See Abstract, [0007]-[0008] and figure 4A). However, Rachman does not disclose a motivational method to encourage students to do their best to correctly answer a question or complete a homework assignment. Jenkins, however cures this deficiency by providing periodic reward animations and a progress indicator that represents progress toward entertaining animations in order to motivate students to respond correctly to a stimuli (See Abstract, Col.3, 23-37, Col.4, 49-67 and claim 3).

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Although Jenkins provides rewarding methods to positively reinforce participants to engage in educational activity and to correctly respond to a stimulus, it does not specifically disclose the type of rewarding system that the instant application discloses, namely instructing a human model to remove an article of clothing. Examiner has relied upon the movie "Billy Madison" as evidence that this type of motivational method is very well-known in the art (<http://www.youtube.com/watch?v=iED81CnIJk4>). To further back up this statement, examiner notes that the TV show "strip poker" that aired in 2000-2001 on USA channel is a game show during which each of the participants are asked a question and if the answer to the question is correct they get to instruct a human model to remove an article of clothing. Evidence of such can be found in (<http://www.youtube.com/watch?v=wXVArJNF98Y>). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate such motivational and/or reward system into the system and method of Rachman/Jenkins in electronic form in order to motivate an adult to participate in the learning process or to answer a question correctly.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Banafsheh Hadizonooz                      Patent Examiner      Technology center 3700

/Banafsheh Hadizonooz/

Examiner, Art Unit 3715

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